

# **EXHIBIT E**

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**APPENDIX OF AUTHORITY SUPPORTING ARGUMENT THAT AUTO DEALERS**  
**AND END-PAYORS CANNOT ASSERT RETROACTIVE ANTITRUST CLAIMS**  
**UNDER THE ANTITRUST LAWS OF HAWAII, NEBRASKA, NEW HAMPSHIRE AND**  
**UTAH**  
**(SECTION III.C)**

	State	Statute	Effective Date	Authority
1.	Hawaii	Haw. Rev. Stat. § 480-2	June 28, 2002	2002 Haw. Sess. L. Act 229 at 6 (“This Act shall take effect on its approval”); <i>Haw. Med. Assoc. v. Haw. Med. Serv. Assoc., Inc.</i> , 148 P.3d 1179, 1209 (Haw. 2006) (holding that “plaintiffs’ claims of unfair methods of competition based upon [defendant’s] alleged wrongful acts prior to June 28, 2002 are barred inasmuch as HRS § 480-2(e) does not apply retroactively”).
2.	Nebraska	Neb. Rev. Stat. § 59-821	July 19, 2002	<i>Soukop v. ConAgra Inc.</i> , 653 N.W.2d 655, 657 (Neb. 2002) (“A legislative act operates only prospectively and not retrospectively unless the legislative intent and purpose that it should operate retrospectively is clearly disclosed.”).
3.	New Hampshire	N.H. Rev. Stat. § 356:11	Jan. 1, 2008	<i>In re Silk</i> , 937 A.2d 900, 904 (N.H. 2007) (“We have long held that statutes are presumptively intended to operate prospectively.”).

	State	Statute	Effective Date	Authority
4.	Utah	Utah Code Ann. § 76-10-919	May 1, 2006	Utah Code Ann. § 68-3-3 (“A provision of the Utah Code is not retroactive, unless the provision is expressly declared to be retroactive.”); <i>Brown &amp; Root Indus. Serv. v. Indus. Comm’n</i> , 947 P.2d 671, 675 (Utah 1997) (“The general rule is that statutes are not applied retroactively unless retroactive application is expressly provided for by the legislature.”); <i>California v. Infineon Techs. AG</i> , No. C 06-4333 PJH, 2008 WL 1766775, at *5 (N.D. Cal. Apr. 15, 2008) (Ex. Q) (concluding that the amendment to the Utah Antitrust Act was an <i>Illinois Brick</i> repealer and “that indirect purchaser standing was not available prior to 2006).